

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION**

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) **MDL DOCKET NO. 1456**
)

THIS DOCUMENT RELATES TO:

) **Master File No. 01-CV-12257**
) **Subcategory Case No. 06-CV-11337**
)

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Abbott Laboratories, Inc.,*
Civil Action No. 06-11337-PBS

) **Judge Patti B. Saris**
)
) **Magistrate Judge Marianne B.**
) **Bowler**
)

*United States of America ex rel. Ven-a-Care of the
Florida Keys, Inc. v. Dey, Inc., et al.,* Civil Action No.
05-11084-PBS; and

*United States of America ex rel. Ven-a-Care of the
Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al.,*
Civil Action No. 07-10248-PBS

**DECLARATION OF SARAH L. REID IN SUPPORT
OF DEFENDANTS' COMMON OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

SARAH L. REID declares, pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm of Kelley Drye & Warren LLP, counsel to Dey L.P., Dey, Inc., and Dey L.P., Inc. (collectively "Dey"). I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.

2. I make this Declaration in Support of Defendants' Opposition to Plaintiffs' Motions for Partial Summary Judgment.

3. The basis for my knowledge is my review of the files maintained by Kelley Drye & Warren LLP as part of its representation of Dey, including the documents attached hereto, and my own personal knowledge of the facts and circumstances set forth herein.

4. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition of Administar Federal's 30(b)(6) designee, Cheryl Eiler, taken on August 26, 2008.

5. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition of Administar Federal's 30(b)(6) designee, Cheryl Eiler, taken on September 23, 2008.

6. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition of the Maryland Department of Health and Mental Hygiene's 30(b)(6) designee, Joseph L. Fine, taken on December 9, 2008.

7. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of the Nebraska Department of Health and Human Services 30(b)(6) designee, Gary Cheloha, taken on December 2, 2008.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Mark Duggan, taken on May 19, 2009.

9. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition of Mark Duggan, taken on February 27, 2009.

10. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition of the Georgia Department of Community Health's 30(b)(6) designee, Jerry Dubberly, taken on December 15, 2008.

11. Attached hereto as Exhibit 8 is a true and correct copy of a letter from Richard Chambers of the Health Care Financing Administration to Joe Kelly, Director of Medi-Cal Policy Division, dated June 20, 1997, Bates HHC-016-0028 to HHC-016-0029.

12. Attached hereto as Exhibit 9 is a true and correct copy of Average Manufacturer Pricing Submission Guidelines for the State of California Department of Health Care Services, which are also available at <http://www.dhcs.ca.gov/provgovpart/Pages/DrugRebateAMP.aspx>.

13. Attached hereto as Exhibit 10 is a true and correct copy of a Program Memorandum from the Health Care Financing Administration regarding "Implementation of the New Payment Limit for Drugs and Biologicals," Transmittal No. AB-98-76, dated December 1998, Bates HHC021-0030, previously marked as Abbott Exhibit 1015.

14. Attached hereto as Exhibit 11 is a true and correct copy of 42 U.S.C. § 1396r-8 (2003).

15. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the deposition of Mark Duggan, taken on February 17, 2009.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2009.

/s/Sarah L. Reid
Sarah L. Reid

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on August 28, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/Sarah L. Reid

Sarah L. Reid